

Appl. No. 10/035,319

Reply to final Office Action mailed 6 September 2005

Page 6

**REMARKS**

Claims 1-19 are canceled without prejudice or disclaimer as to the subject matter thereof and claims 20-36 stand rejected. Independent claims 20, 31 and 32 are herewith amended and no new claims are added. Thus, claims 20-36 are pending continued examination on the merits.

Applicants respectfully solicit entry and favorable consideration of the amendments and remarks presented herewith.

**Claim Rejections Under 35 U.S.C. §102**

Claims 20-36 are rejected as anticipated by various (single) references; namely, Holmstrom (EP '577 Application), Hartlaub ('470 patent), Obel et al. ('428 patent), and Sweeney et al. ('377 patent).

Regarding Holmstrom, which is applied against claims 20, 22-24, 26-28 and 31-36, the Applicants submit the following remarks.

Of course, for Holmstrom to support an anticipation rejection, then Holmstrom must disclose *each and every* claim limitation recited.

Applicants respectfully suggest that the claims recite sufficient structure not found expressly or via inherency in Holmstrom. Among other differences Holmstrom fails to disclose a drug dispenser adapted to deliver a biologically-active substance to the patient in conjunction with an electrical therapy delivery capability. As such, Holmstrom cannot be said to support the present rejection and the rejection should be withdrawn.

Regarding Hartlaub, which is applied against claims 20, 22-24, 26 and 29-36. For this ground of rejection to successfully apply, then Hartlaub must disclose *each and every* claim limitation recited.

Applicants respectfully suggest that Hartlaub is directed only in a general sense to toward the notion of applying closed loop spinal cord stimulation (SCS)

Appl. No. 10/035,319  
Reply to final Office Action mailed 6 September 2005  
Page 7

to minimize the impact of a cardiac insult and does not address expressly or inherently delivery of a biologically-active substance to a patient.

That is, Hartlaub fails to mention or even contemplate the subject matter claimed herein and thus Hartlaub fails to anticipate the claimed subject matter.

Regarding Obel, which disclosure is also entirely devoid of disclosure relating to a drug- or biological substance delivery mechanism, again the rejection of the amended claims fails and should be withdrawn.

Applicants respectfully suggest that given the complete absence of the structure and methods claimed in the pending claim set, the rejection grounded in Obel cannot stand and should be withdrawn.

Regarding Sweeney, like Obel Sweeney entirely fails to mention or refer to structure or methods of delivery of biologically-active substances to a patient in addition to the provision of an electrical stimulation therapy.

### Conclusion

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Hill et al. by their attorney

7 Nov. 05  
Date

Paul H. McDowall  
Paul H. McDowall  
Reg. No. 34,873  
(763) 514-3351  
Customer No. 27581